

REMARKS

Enclosed herewith is a Substitute Specification in which the specification as filed has been amended in various places to correct typographical and grammatical errors, and also to add section headings.

In support of the above, enclosed herewith is a copy of the specification as filed marked up with the above changes.

The undersigned attorney asserts that no new matter has been incorporated into the Substitute Specification.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-9 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, in that, according to the Examiner, "the recited steps of merely enabling a business model and an arrangement for enabling a business model does not apply, involve, use or advance the technical arts."

Applicants respectfully request that the Examiner reconsider the above rejection. In particular, the invention, as claimed in, for example, claim 1, relates to the embedding of extra information in content, rendering the content, receiving, for example, an audio portion of the content containing the embedded information, extracting the embedded information and processing the

extracted information. Applicants submit that the purpose of the extra information relative to the content, and how the extra information is processed relate to the particular business model which is ancillary to the method described in the claim. Rather, as noted in, for example, claim 1, the method does "apply, involve, use or advance the technical arts".

The Examiner has further rejected claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over Applicants' own admissions.

Applicants submit that the Examiner is mistaken. In particular, in the specification as filed, only page 1 relates to the prior art. Pages 2 and 3 are a summarization of the present invention. This is clearly shown in the accompanying Substitute Specification in which paragraph [0001] describes the "Field of the Invention", and paragraphs [0002] - [0005] (pages 1 and 2), describes the "Description of the Related Art" (covering page 1 in the specification as filed).

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by Applicants' admissions, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-10, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   
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CERTIFICATE OF MAILING

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On Nov. 18, 2004  
By Bennett James